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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,965	11/13/2003	Albert Sbongk	713-984	6721

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EXAMINER

BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,965

Applicant(s)

SBONGK, ALBERT

Examiner

Patrick F. Brinson

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification, page. 6, line 5 states that the surface portions 20, 22 are smoot. It is believed that this should be changed to “smooth”.

Appropriate correction is required.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Claim 1, line 6 recites “the shaft” without proper antecedent basis. Also line 12 recites “...extends axially to towards...”. The “to” should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 8-268451.

The '451 reference discloses a plug for sealing and closing of a hole in a structural member made of a flat material, comprising a shank (5) which is adapted to be sealingly inserted into the hole, fig. 2, a radial flange (4) formed on one end of the flange of resilient material, the flange having a radially outwardly oblique or bend portion which sealingly engages the surface of the structural member upon deformation when the shank is inserted into the hole. The shank is retained in the hole by an undercut (H) cooperating with the wall of the hole such that the hole has a sealing portion (6) which in the non-biased state has a smooth conical outer surface, the outer surface having a diameter that increases towards the flange at least in the area of sealing engagement, the diameter being larger than that of the hole. On the inner side of the juncture of the flange (4) and the shank a free space (3) is provided which extends axially towards the other end of the shank, whereby the material of the annular shank portion can be deformed into the free space when the shank is pressed into the hole and the wall of the hole forms an annular groove in the annular portion, the groove defining the undercut (H), as recited in claim 1. The shank beneath the sealing portion has an entrance portion (5) also including a conical outer surface, the diameter of the outer surface increasing towards the sealing portion and being smaller than the diameter of the hole, as recited in claim 4. The shank beneath the free space (3) is annularly formed with a triangular

cross-section of the annulus, one apex of the triangle facing towards the free end of the shank, as recited in claim 5. Radially inwardly of the flange (4) the shank is connected with a head portion (1) and the free space (3) is formed by an annular recess of the head portion (1) concentrically to the axis of the shank, as recited in claim 6. Upon insertion of the plug into the hole, the flange is deformed by the structural member (P) approximately in the plane of the associated surface and an annular inner surface of the flange engages the outer surface of the head portion (1) in that the annular shank portion connected to the flange is pivoted radially inwardly relatively to the remaining portion of the shank, as recited in claim 9.

Allowable Subject Matter

4. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Miura '099 and '665 and Japanese references

2001-124205 and 62-80364 are pertinent to Applicant's invention in disclosing closure plugs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrick F. Brinson
Primary Examiner
Art Unit 3754

P. F. Brinson
February 7, 2005